

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claim 21 has been amended. Claims 1-3, 8-13, 18, and 20 are allowed. Claims 1-3, 8-13, 18, and 20-21 are pending and under consideration.

### I. Rejections under 35 U.S.C. § 102

In the Office Action, at pages 2-3, claim 21 was rejected under 35 USC § 102(e) as being anticipated by Fatehi (U.S. Patent No. 6,600,581).

Fatehi does not discuss or suggest:

a plurality of power detection units detecting a power of each of the plurality of wavelength components;

and

a judgment unit judging whether or not each of the plurality of wavelength components in an optical signal is down and whether said identifier is abnormal for each of said wavelength components based on a detection result output by the power detection unit associated with each of the wavelength components and a detection result output by the determination unit associated with each of the wavelength components, wherein each identifier identifies a channel associated with each of the wavelength components and is uniquely determined by the channel,

as recited in amended claim 21. In other words, the invention of claim 21 provides for judging whether or not each of the plurality in an optical signal is down based on a detection result output by the power detection unit associated with each of the wavelength components. As such, it is possible to prevent an erroneous judgment that an identifier is abnormal despite the fact that an optical signal is down.

Fatehi merely discloses that "in general, it should be noted that tag read/write elements 201 and 211 can be used in either the read or write mode. For example, tag read/write elements 201 can be used as previously described to attach tags (e.g., in the write mode) to optical signals at the cross-connect inputs. However, it will be appreciated by those skilled in the art that various modifications may be made consistent with the teachings of the present invention. For example, tag read/write element 201 may be used in the read mode such as when tags are already attached to incoming optical signals (e.g., by upstream network elements). In this mode, tag read/write elements 201 would retrieve the tags from the incoming signals for use by controller 102 as desired" (Fatehi, col. 6, lines 12-24).

However, Fatehi fails to recognize that tag error is caused when a wavelength component is down and does not disclose detecting a power of each of a plurality of wavelength components and judging whether or not each of the plurality of wavelength components in an optical signal is down and judging whether a tag is abnormal based on whether or not each of the plurality of wavelength components in an optical signal is down.

Fatehi further discloses that “at cross-connect output port (Y) 120, the connection verification message is retrieved (e.g., in read mode) from the optical signal in step 615. Step 620 checks for message error by regenerating the error check field (408 from FIG. 4) and comparison with that of the message. If the message is in error (step 625), then controller 102 is notified, alarms are raised, etc. (step 630)” (Fatehi, col. 8, lines 42-48).

However, Fatehi fails to disclose detecting a power of each of the plurality of wavelength components and judging whether or not each of the plurality of wavelength components in an optical signal is down and judging whether a tag is abnormal based on whether or not each of the plurality of wavelength components in an optical signal is down. Furthermore, Fatehi judges a wavelength channel’s connections at an output port only by checking message fields, but does not judge each of the plurality of wavelength components.

Therefore, Fatehi does not anticipate claim 21, so that claim 21 patentably distinguishes over Fatehi. Accordingly, withdrawal of this § 102(e) rejection is respectfully requested.

## II. Allowable Subject Matter

Applicant’s appreciate the Examiner’s indication that claims 1-3, 8-13, 18, and 20 are allowed.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/045,093

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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